



2853

03500.016182

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
TETSUTO KAGEYAMA)	Examiner: L. Nguyen
Application No.: 10/068,981)	Group Art Unit: 2853
Filed: February 11, 2002)	
For: INK JET RECORDING)	
APPARATUS AND RECORDING)	December 1, 2003
CONTROL METHOD THEREOF)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW ERRONEOUS
NOTICE OF NON-COMPLIANT AMENDMENT
AND
REQUEST FOR CREDIT TO TERM ADJUSTMENT

RECEIVED
DEC - 3 2003
TECHNOLOGY CENTER 2800

Sir:

Applicant has received a Notice of Non-Compliant Amendment dated November 13, 2003, indicating that the amendment filed July 7, 2003 was non-compliant because it did not include a complete listing of all claims.

In fact, the Amendment was filed in conformity with the rules in effect at the time of filing. The effective date for the revised amendment practice was July 30, 2003. As indicated by the Deputy Commissioner in his Notice published in 38 Official Gazette, September 23, 2003:

"Amendments submitted prior to July 30, 2003 in compliance with the previous version of 37 C.F.R. § 1.121 ... will be accepted."

Accordingly, since the Amendment as filed was fully in compliance with the rules in effect at the time of its submission, and since the Deputy Commissioner's Notice indicates that such Amendments "will" be accepted, the Notice of Non-Compliance was erroneous and should be withdrawn.

It is further requested that Applicant be credited with any PTO delays caused by erroneous handling of this paper, in calculations of term adjustment for any patent that issues from this application.

Applicant's undersigned attorney may be reached in our Costa Mesa office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Attorney for Applicant

Registration No. 33622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

CA_MAIN 73831 v 1